

### **REMARKS**

Claims 1-5, 7-29, and 31-51 remain in this application. Claims 6 and 30 were previously canceled. Claims 52 and 53 are presently canceled. No claims are presently withdrawn. Claims 1-5, 7-12, 19-29, and 31-36 are allowed. Claims 13-18 and 37-51 have been withdrawn as the result of an earlier restriction requirement.

#### **I. CLAIM REJECTIONS - 35 U.S.C. § 103**

The examiner rejected claims 52-53 under 35 U.S.C. § 103(a) as being unpatentable over Tulett (U.S. Patent Application Publication No. 2004/0228214 A1) in view of Naville (U.S. Patent No. 6,175,809 B1). The applicants cancel claims 52 and 53 and request that the examiner withdraw the rejection.

#### **II. WITHDRAWN CLAIMS**

The examiner previously issued a restriction requirement restricting the claims into two groups, apparatus claims and method claims. The examiner asserted that the claimed process of generating a seismic wave and acquiring seismic data could be performed by another apparatus than the claimed apparatus and that therefore the claimed subject matter of the apparatus claims was distinct from the claimed subject matter of the method claims. The apparatus claims have now been allowed and the applicants have amended some of the withdrawn method claims to incorporate similar subject matter as has been allowed in the apparatus claims for generating the seismic wave. Therefore, the applicants submit that the method claims, as amended, overcome the examiner's previous assertion that the method claims could be performed by a materially different apparatus. The applicants request that the examiner reconsider the method claims and withdraw the earlier restriction requirement so that the method claims may be allowed to issue in this application.

#### **III. STATEMENT REGARDING CLAIMS**

The applicants comment on the allowability of the claims by addressing the examiner's comments in this paper as well as previously during the prosecution of this application. By doing so, the applicants are in no way limiting their ability to identify additional points of novelty regarding the independent claims or dependent claims at a later date.

### **CONCLUSION**

The applicants respectfully request a timely Notice of Allowance be issued in this case. If the examiner feels that a telephone conference would expedite the resolution of this case, the examiner is invited to contact the undersigned.

In the course of the foregoing discussions, the applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. There may also be other distinctions between the claims and the prior art that have yet to be raised, but that may be raised in the future.

Unless the applicants have specifically stated that an amendment was made to distinguish the prior art, it was the intent of the amendment to further clarify and better define the claimed invention and the amendment was not for the purpose of patentability. Further, although the applicants may have amended certain claims, the applicants have not abandoned their pursuit of obtaining the allowance of these claims as originally filed and reserve, without prejudice, the right to pursue these claims in a continuing application.

In the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a). If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Conley Rose, P.C. Deposit Account Number 03-2769 (ref. 1391-43100) of Conley Rose, P.C., Houston, Texas.

Respectfully submitted,  
CONLEY ROSE, P.C.

/Collin A. Rose/

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